

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No.5535 of 2015 (O&M)

Date of decision: 27.08.2015

Smt. Kamlesh Dagar

.....Petitioner

Versus

Ayub

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Abhimanyu Singh, Advocate,
for Mr. Virendra Rana, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 30.05.2015 (Annexure P-4) passed by the Civil Judge (Senior Division), Mewat whereby application filed by the defendant-petitioner under Order 6 Rule 17 CPC for amendment of the written statement, has been dismissed.

Dispute in the present case is with respect to an agreement to sell, which was executed between the defendant-petitioner and the plaintiff-respondent. The amendment in the written statement is being sought to the effect that son of the plaintiff-respondent was also involved in the said fraud. In the original written statement, the defendant-petitioner had taken a specific plea that she had not executed any agreement to sell in favour of the plaintiff-respondent.

Learned counsel for the petitioner has informed the Court that in the agreement to sell, which was placed on record by the plaintiff-respondent, his son was a witness.

The fact, as to whether son of the plaintiff-respondent was a witness to the agreement to sell or not, was well within the knowledge of the

petitioner at the time of filing of the initial written statement. The present application for amendment of the written statement has been filed after framing of issues when the trial has already commenced. The application has been rightly rejected by the trial Court. Moreover, the petitioner-defendant has not been able to show, as to how this fact came to her knowledge after filing of the written statement.

In view of the above, no ground is made out to interfere with the impugned order dated 30.05.2015 (Annexure P-4)

Dismissed.

27.08.2015
ajp

(RITU BAHRI)
JUDGE